



STATE OF MISSISSIPPI

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

July 28, 2010

Mr. A. Stanley Meiburg
Acting Regional Administrator
United States Environmental
Protection Agency – Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8909

Re: Implementation of the EPA Tailoring Rule

Dear Mr. Meiburg:

In response to the EPA's request for information from the states in implementing the greenhouse gas (GHG) tailoring rule, Mississippi Department of Environmental Quality (MDEQ) staff has analyzed state law and current Mississippi Commission on Environmental Quality (Commission) regulations to determine whether the state can implement the GHG tailoring rule. The state can implement the GHG tailoring rule.

Mississippi's law provides the Commission with statutory authority under Miss. Code Ann. §§ 49-17-1, *et seq.* to administer and regulate federal pollution control legislation and programs, including the Title V and prevention of significant deterioration (PSD) permitting programs. This authority gives the Commission the ability to implement the EPA's PSD and Title V GHG Tailoring Rule as well. The current regulations for the state PSD program (APC-S-5) are adopted by reference up to the June 15, 2007 Code of Federal Regulations. The Title V state regulations (APC-S-6) are not adopted by reference but are substantially similar, with the exception of the definitions promulgated by the new rule. These regulations (APC-S-5 and APC-S-6) must be amended in accordance with Miss. Code Ann. §§ 49-17-25 and 25-43-3.101, *et seq.* in order for MDEQ to be able to implement the GHG tailoring rule.

The regulatory amendment process to amend the regulations concerning the PSD and Title V programs should be completed by January 2, 2011, pending public interest and the potential controversy related to the EPA's PSD and Title V GHG Tailoring Rule.

Sincerely,

A handwritten signature in dark ink, appearing to read "Trudy D. Fisher", with a long horizontal flourish extending to the right.

Trudy D. Fisher
Executive Director

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